Appl. No. 10/604,720
Amdt. dated July 19, 2005
Reply to Office action of May 19, 2005

REMARKS/ARGUMENTS

1. Rejection of claim 2 under 35 U.S.C. 112, second paragraph:

Response:

5   Claim 2 has been cancelled, and is no longer in need of consideration.

2. Rejection of claims 1-5 under 35 U.S.C. 103(a):

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admissions and Simon (US 2002/0004386).

10

Response:

Claim 1 has been amended to overcome this rejection. Claim 1 now clarifies the

functions of the transmitting program code, the receiving program code, and the

application program code transmitted between the first and second cellular phones. This

15   matter is fully supported in paragraph [0027] of the specification. Claim 1 has also been

amended to state that both the application program code and the transmitting program

code are transferred from the first flash memory of the first cellular phone to the second

flash memory of the second cellular phone. This amendment is supported by the original

claim 2, and claim 2 has subsequently been cancelled.

20

The present invention utilizes the transmitting program code and the receiving

program code stored in cellular phones for enabling transmission and reception of

application program code between cellular phones. Before a second cellular phone can

receive application program code from a first cellular phone, the first cellular phone must

25   first transmit receiving program code to the second cellular phone. The transmitting

program code stored in the first cellular phone then controls the transmission of the

application program code to the second cellular phone while the receiving program code

4

Appl. No. 10/604,720
Amdt. dated July 19, 2005
Reply to Office action of May 19, 2005

stored in the second cellular phone controls the reception of the application program code from the first cellular phone.

5   Most importantly, claim 1 has been amended to state that the first cellular phone additionally transmits the transmitting program code to the second cellular phone. The purpose of this is to allow the second cellular phone to utilize the transmitting program code to update the application program code of a third cellular phone. ·

10   On the other hand, neither the Applicant's Admissions nor Simon teach or suggest sending transmitting program code from the first flash memory of the first cellular phone to the second flash memory of the second cellular phone. Therefore, the amended claim 1 is patentable over the cited prior art. Claims 3-5 are dependent on claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claims 1 and 3-5 is respectfully requested.

15

3. Rejection of claims 6-7 under 35 U.S.C. 103(a):

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admissions in view of Simon and further in view of Toba (US 6,529,747).

20   **Response:**

Claims 6-7 are dependent on the amended claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claims 6-7 is respectfully requested.

4. Rejection of claims 8-9 under 35 U.S.C. 103(a):

25   Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admissions in view of Simon and further in view of Kato et al. (US 6,879,847).

5

Appl. No. 10/604,720
Amdt. dated July 19, 2005
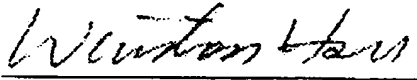Reply to Office action of May 19, 2005

Response:

Claims 8-9 are dependent on the amended claim 1, and should be allowed if claim 1 is allowed. Reconsideration of claims 8-9 is respectfully requested.

5   In view of the above arguments in favor of patentability for the pending claims in this application, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

10

Respectfully submitted,

Winston Hsu   Date: <u>July 19, 2005</u>

15   Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

20

Note: Please leave a message in my voice mail if you need to talk to me. The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.

25

6